REMARKS

Claims 1 and 4-6 are all the claims pending in the present application. The Examiner now applies new rejections of claims 1 and 4-6. Specifically, claim 1 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 1 and 4-6 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fuentes et al. (U.S. Patent No. 5,825,299) in view of Hassett (U.S. Patent No. 5,805,082).

§ 112, Second Paragraph, Rejections - Claim 1

Claim 1 is rejected under 35 U.S.C. § 112, second paragraph, based on the reasons set forth on page 2 of the Office Action.

Applicant believes that claim 1 satisfies 35 U.S.C. § 112, second paragraph.

§ 103(a) Rejections (Fuentes/Hassett) - Claims 1 and 4-6

Claims 1 and 4-6 are rejected based on the reasons set forth on pages 2-5 of the present Office Action. Applicant traverses these rejections at least based on the following reasons.

A brief description of the new primary reference Fuentes is as follows.

An object identification system comprises a transceiver (1) and a transponder (30) including memories (33,34) for storing an identification code identifying the transponder. Circuits (35, 36, 37, 38) generate an identification signal representative of the identification code such that the identification signal is modulated by bits of the identification code. Circuits (8, 9, 10, 11, 12) of the transceiver receive and interpret the identification signal. The transponder includes a variable code generator (32) and a controller (31) for controlling the writing of the variable code into memory (33) so that the variable code constitutes part of the identification code. The variable code may be a random or pseudo-random code. *See Abstract.*

With respect to independent claim 1, first, Applicant submits that neither Fuentes nor Hassett, either alone or in combination, discloses or suggests at least, "wherein said randomly

generated communication registration identification data is generated based on the field intensity measured by the field intensity measuring portion," as recited in claim 1. The Examiner cites col. 7, lines 42-67 of Fuentes as allegedly satisfying the above quoted feature. The cited portion of Fuentes, only discusses that in a supply circuit 117 of a responder 126, a memory is loaded by the radio frequency energy of the field 114 received via an antenna 115 and thereafter rectified. An operational voltage is provided for the variable code generator 119. A start instruction S, which may be manually released in the transceiver 111 by means of switch 113 during startup causes generator 119 to write a random information K2 into an identity memory which already holds fixed identity information K1 for individualization of this code carrier and the individual, respectively, provided with it. Nowhere is it discussed or suggested that randomly generated communication registration identification data is generated based on the field intensity measured by the field intensity measuring portion. That is, in Fuentes, there does not appear to be a correlation between a measured field intensity and randomly generated communication registration identification data.

Applicant submits that dependent claims 4-6 are patentable at least by virtue of their respective indirect or direct dependencies from independent claim 1.

Further, with respect to claim 4, Applicant submits that the applied references, either alone or in combination, do not disclose or suggest at least, "wherein said control microcomputer stores in said nonvolatile memory randomly generated communication registration identification data only when said apparatus starts up," as recited in claim 4. The Examiner cites col. 7, line 47 - col. 8, line 10 of Fuentes as allegedly satisfying this particular feature. Nowhere does the cited portion of col. 7 say anything about storing randomly generated communication registration identification data only when an apparatus starts up. This specific feature is not taught or suggested in Fuentes.

Further, with respect to claim 5, Applicant submits that the applied references do not disclose or suggest at least, "wherein said randomly generated communication registration identification data is generated when the measured field intensity indicates that said apparatus is out of communications range," as recited in claim 5. Nowhere does Fuentes even mention the generation of communication registration identification data when a measured field intensity indicates that the apparatus is out of communications range.

At least based on the foregoing, Applicant submits that claims 1 and 4-6 are patentably distinguishable over the applied references, either alone or in combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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